

REMARKS

In the December 17, 2004 Office Action, claims 1-12 stand rejected in view of prior art, while claims 13-25 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the December 17, 2004 Office Action, Applicant has amended the claims as indicated above. Applicant wishes to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-25 are pending, with claims 1, 11, 13 and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

In paragraph 2 of the Office Action, the Office Action indicates that the proposed drawing corrections filed on November 4, 2003 have been approved. Applicant wishes to thank the Examiner for approval of the proposed drawing corrections.

Rejections - 35 U.S.C. § 102

In paragraph 4 of the Office Action, claims 1-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,833,242 (Thompson, Jr.). In response, Applicant has amended independent claim 1 to clearly define the present invention over the prior art of record.

In particular, independent claim 1 recites, *inter alia*, the first and second tubular members are mounted between an upper steering bearing set and a mounting portion. The first and second tubular members are adjustably exposed when adjustably coupled such that an overall effective length of the first and second tubular members can be changed in an assembled state. This structure is **not** disclosed or suggested by Thompson, Jr. or any other

prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference.

Thompson, Jr. discloses a ferrule 104 coupled to a top race ring 112. The top race ring 112 and the ferrule 104 are not adjustably exposed as claim 1 requires. Rather, the top race ring 112 and the ferrule 104 are covered by the cap 126 and the offset cylindrical portion 84 of the bearing sleeve 82. Furthermore, the overall effective length of the top race ring 112 and the ferrule 104 cannot be adjusted when in the assembled state. Figure 8 of Thompson, Jr. illustrates the assembled state of the assembled headset. The cap 126, lock nut 120 and bearing sleeve 82 prevent the user from changing the overall effective length of the top race ring 112 and ferrule 104 when in the assembled state. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record.

Withdrawal of this rejection is respectfully requested.

Independent claim 11 recites, *inter alia*, the innermost diameter of the first bore of the first tubular member is substantially identical to the innermost diameter of the second bore of the second tubular member. This structure is *not* disclosed or suggested by Thompson, Jr. or any other prior art of record.

Figures 5 and 7 of the instant application illustrate one example of an innermost diameter of the first bore 76 that is substantially identical to an innermost diameter 86b of the second bore 86. In contrast, Thompson, Jr. only discloses an outer diameter of the ferrule 104 that mates with an inner diameter of the top race ring 112. For this reason, the innermost diameter of the ferrule 104 is not substantially identical to the innermost diameter of the top race ring 112. Applicant respectfully submits that claim 11 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2-10 and 12 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate independent claim 1, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Allowable Subject Matter

In paragraph 5 of the Office Action, claims 13-25 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicant has amended claims 13 and 20 to place them in independent form. Thus, claims 13-25 are believed to be allowable.

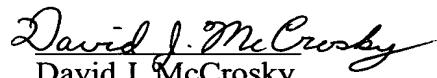
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

Conclusion

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-25 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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